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JAN 20 2004

OFFICE OF PETITIONS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DAEG
PATENT

Applicant(s): WALTER R. SMITH)
)
Serial No. 09/990,527)
)
Filed: 11-21-2001)
)
Title: METHOD AND SYSTEM FOR)
RECORDING PROGRAM)
INFORMATION IN THE EVENT OF A)
FAILURE)

Attorney Docket No. MFCP.88141

Group Art Unit: 2184

CERTIFICATE OF MAILING
37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service, postage prepaid, as First Class Mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

1/12/04
Date

[Signature]
Signature

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR § 1.137 (a)

Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The above-identified application was filed in the Office on November 21, 2001.

A Notice of Abandonment under 37 CFR 1.53 (f) or (g) has been received.

Applicant submitted a Response to the Notice to File Missing Parts on December 27, 2001, the contents of which are enclosed for your review. As will be seen, the cover sheet on the Response contains erroneous information. However, as will also be seen, the copy of the Notice To File Missing Parts, the Declaration and Power of Attorney, the Recordation Form, and

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the Assignment were also included with the Response to File Missing Parts, each containing the correct information. Thus, it is Applicant's contention that the above-referenced application was abandoned due to unavoidable error on part of the Applicant.

In view of Applicant's timely Response and an adequate statement showing cause of the unavoidable delay in the above-referenced application, Applicant hereby requests a Revival of the application under 37 CFR 1.137(a). Such action is respectfully requested. A copy of the Notice of Abandonment and the Petition fee set forth in 37 CFR 1.17(l) in the amount of \$110 are enclosed.

If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned by telephone prior to issuing a subsequent action. The Commissioner is hereby authorized to charge any additional amount required, or credit any overpayment, to Deposit Account No. 19-2112.

Respectfully submitted,



Scott B. Strohm
Reg. No. 42,172

SBS/nlm
Enclosures

SHOOK, HARDY & BACON L.L.P.
2555 Grand Boulevard
Kansas City, Missouri 64108
Tele: 816.474.6550
Fax: 816.421.5547

Attorney Docket No. MFCP.88141

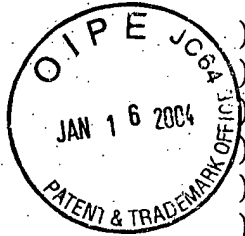
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Michael J. Narayan et al.

Serial No.: 09/843,452

Filing Date: April 26, 2001

Title: SYNCHRONIZATION AND RECOVERY
OF PEERS IN A PEER TO PEER ENVIRONMENT



Attorney Docket No. MFCP.81824

Group Art Unit: 2153

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OFFICE OF PATENTS

CERTIFICATE OF MAILING
37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited
with the U.S. Postal Service as First Class Mail, postage
prepaid, in an envelope addressed to: Box Missing Parts,
Commissioner for Patents, Washington, D.C. 20231, on:

12/27/01 Date *Sandy Howes* Signature

**RESPONSE TO NOTICE TO FILE MISSING PARTS
OF NONPROVISIONAL APPLICATION**

Box Missing Parts
Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Responsive to the Notice to File Missing Parts mailed June 22, 2001, enclosed
herewith is the signed Declaration for Patent Application and an Assignment of the invention to
Microsoft Corporation. Also enclosed is a copy of the Notice, a check in the amount of \$130 for the
surcharge, and a \$40 check for the assignment recordal fee.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Scott B. Strohm".

Scott B. Strohm
Reg. No. 42,172

slh
SHOOK, HARDY & BACON L.L.P.
One Kansas City Place
1200 Main Street
Kansas City, Missouri 64105-2118
816/474-6550 (Phone)



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/990,527	11/21/2001	Walter R. Smith	MFCP.88141

CONFIRMATION NO. 3082

FORMALITIES LETTER



OC000000007171057

RESPONSE DUE

2/7/02

Date Mailed: 12/07/2001

SCOTT B. STROHM
SHOOK, HARDY & BACON LLP
1200 Main Street
Kansas City, MO 64105-2118

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JAN 20 2004

OFFICE OF PETITIONS



NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

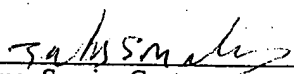
FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

*A copy of this notice **MUST** be returned with the reply.*


Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

DEC 14 2001



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/990,527	11/21/2001	Walter R. Smith	MFCP.88141

SCOTT B. STROHM
SHOOK, HARDY & BACON L.L.P.
1200 Main Street
Kansas City, MO 64105-2118



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JAN 20 2004

OFFICE OF PETITIONS

CONFIRMATION NO. 3082

FORMALITIES LETTER



OC000000007171057

Date Mailed: 12/07/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
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- **The balance due by applicant is \$ 130.**

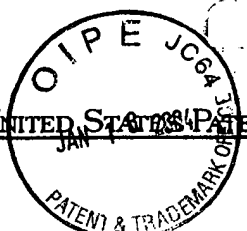
*A copy of this notice **MUST** be returned with the reply.*

Walter R. Smith
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

DEC 11 2001



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

SCOTT B. STROHM
SHOOK, HARDY & BACON L.L.P.
1200 Main Street
Kansas City, MO 64105-2118

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JAN 20 2004

OFFICE OF PETROLEUM

CONFIRMATION NO. 3082

ABANDONMENT/TERMINATION LETTER



QC000000011510268

Date Mailed: 12/17/2003

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 12/07/2001.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450

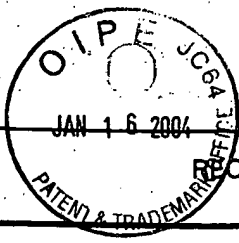
*A copy of this notice **MUST** be returned with the reply.*

10. Durham

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



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JAN 20 2004

Attorney Docket No. MFPCP.88141

FORM PTO-1595

RECORDATION FORM COVER SHEET
PATENTS ONLYU.S. DEPT. OF COMMERCE
PATENT AND TRADEMARK OFFICE

To The Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies): WALTER R. SMITH Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		2. Name and address of receiving party(ies): Name: Microsoft Corporation Street Address: One Microsoft Way City: Redmond State: Washington Zip: 98052 Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
3. Nature of Conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Other: _____ Execution Date: December 12, 2001.			
4. Application number(s) or patent number(s): If this document is being filed together with a new application, the execution date of the application is: _____ A. Patent Application No.(s): 09/990,527 B. Patent No.(s): _____ Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
5. Name and address of party to whom correspondence concerning document should be mailed: Name: Scott B. Strohm Internal Address: Shook, Hardy & Bacon L.L.P. One Kansas City Place Street Address: 1200 Main Street City: Kansas City State: Missouri Zip: 64105-2118		6. Total number of applications and patents involved: 1 7. Total fee (37 CFR 3.41) \$40 <input checked="" type="checkbox"/> Enclosed <input type="checkbox"/> Authorized to be charged to deposit account 8. Deposit Account No.: 19-2112 (Attach duplicate copy of this page if paying by deposit account)	
DO NOT USE THIS SPACE			
9. Statement and signature. <i>To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.</i> Scott B. Strohm  12/27/01			
Name of person signing		Signature	Date
Total number of pages including cover sheet, attachments, and document: 3			

Mail documents to be recorded with required cover sheet information to:
Box Assignments, Under Secretary of Commerce for Intellectual Property
and Director of the U.S. Patent and Trademark Office
Washington, D.C. 20231

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial Number: 09/990,527

Filing Date: November 21, 2001

Inventor: WALTER R. SMITH

Applicant: Microsoft Corporation

Attorney's Docket No. : MFCP.88141

Title: METHOD AND SYSTEM FOR RECORDING PROGRAM INFORMATION IN THE EVENT OF A FAILURE

This application claims the benefit of Provisional Application Serial No. 60/293,506, filed May 24, 2001.

PATENT ASSIGNMENT

PARTIES TO THE ASSIGNMENT

Assignor(s):

WALTER R. SMITH, of 539 32nd Avenue S., Seattle, Washington 98144.

Assignee:

Microsoft Corporation
Corporation of the State of Washington
One Microsoft Way
Redmond, WA 98052

AGREEMENT

WHEREAS, ASSIGNOR(S) (listed above) are inventor(s) of an invention entitled "METHOD AND SYSTEM FOR RECORDING PROGRAM INFORMATION IN THE EVENT OF A FAILURE," as described and claimed in the specification forming part of an application for United States letters patent referenced above;

WHEREAS, Microsoft Corporation (hereinafter referred to as ASSIGNEE), a corporation of the State of Washington having a place of business at One Microsoft Way, Redmond, WA 98052, is desirous of acquiring the entire right, title and interest in and to the invention and in

and to any letters patent that may be granted therefor in the United States and in any and all foreign countries;

NOW, THEREFORE, in exchange for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNOR(S) hereby sell, assign and transfer unto ASSIGNEE, the entire right, title and interest in and to said invention, said application and any and all letters patent which may be granted for said invention in the United States of America and its territorial possessions and in any and all foreign countries, and in any and all divisions, reissues and continuations thereof, including the right to file foreign applications directly in the name of ASSIGNEE and to claim priority rights deriving from said United States application to which said foreign applications are entitled by virtue of international convention, treaty or otherwise, said invention, application and all letters patent on said invention to be held and enjoyed by ASSIGNEE and its successors and assigns for their use and benefit and of their successors and assigns as fully and entirely as the same would have been held and enjoyed by ASSIGNOR(S) had this assignment, transfer and sale not been made. ASSIGNOR(S) hereby authorize and request the Commissioner of Patents and Trademarks to issue all letters patent on said invention to ASSIGNEE. ASSIGNOR(S) agree to execute all instruments and documents required for the making and prosecution of applications for United States and foreign letters patent on said invention, for litigation regarding said letters patent, or for the purpose of protecting title to said invention or letters patent therefor.

12 Dec 2001
DATE


WALTER R. SMITH